

S.B. CIVIL WRIT PETITION NO.1831/2005

M/s. Ramchandra Agrawal & Co. Vs. State of Raj. and others.

Date : 23.5.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. AK Khatri, for the petitioner.

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Heard learned counsel for the petitioner.

This writ petition is directed against the order dated 9.7.2004 (Annex.9).

According to learned counsel for the petitioner himself, the impugned order can be challenged by filing appeal but according to learned counsel for the petitioner, the petitioner will have to deposit 50% of the demand raised against it by virtue of order dated 9.7.2004 for preferring appeal. Since in this case, I do not find any reason for interfering in the impugned order while exercising power under Article 226 of the Constitution of India in view of the fact that the petitioner has not submitted any ground for avoiding the regular course for filing the appeal before the Board of Revenue, therefore, the writ petition deserves to be dismissed, hence dismissed.

However, the petitioner is permitted to prefer the appeal and may submit an application for condonation of delay in filing the appeal before the Board of Revenue. On filing the application, the Board of Revenue may consider the application of the petitioner sympathetically.

(PRAKASH TATIA), J.

S.Phophaliya